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7 TRIPATH TECHNOLOGY INC.

8 [Other Counsel Listed On Signature Pages]

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 LANGLEY PARTNERS, L.P.,

13 Plaintiff,

14 v.

15 TRIPATH TECHNOLOGY, INC., ADYA  
TRIPATHI and DAVID EICHLER,  
16

17 Defendants.

No. 05 CV 04194 SC

STIPULATION AND ~~[PROPOSED]~~  
ORDER ESTABLISHING BRIEFING  
AND HEARING SCHEDULE FOR  
DEFENDANTS' MOTION TO DISMISS

HOWARD  
RICE  
NEMEROVSKI  
CANADY  
FALK  
& RABKIN  
A Professional Corporation

## STIPULATION

Plaintiff Langley Partners, L.P. ("Plaintiff") and Defendants Tripath Technology, Inc., Dr. Adya S. Tripathi and David Eichler (collectively, "Defendants") hereby agree by and through their counsel of record as follows:

WHEREAS, on June 2, 2005, Plaintiff filed its Complaint initiating this action in the United States District Court for the Southern District of New York and the action was assigned to Judge Harold Baer, Jr.;

WHEREAS, on September 27, 2005, Judge Baer entered an order indicating that should Defendants' pending motion to transfer the action to the United States District Court for the Northern District of California be granted "then Defendants shall answer, move or otherwise respond to the complaint until such time as the transferee court determines";

WHEREAS, on October 6, 2005, Judge Baer entered an order granting Defendants' motion to transfer the action to the United States District Court for the Northern District of California and the action was so transferred on October 18, 2005;

WHEREAS, the parties have met and conferred and agreed upon the following briefing and hearing schedule for Defendants' anticipated motion to dismiss the Complaint;

### THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE:

1. The briefing and hearing schedule on Defendants' anticipated motion to dismiss the Complaint is the following:

- (a) Defendants' opening brief will be filed on December 9, 2005;
- (b) Plaintiff's opposition thereto shall be filed no later than January 10, 2006;
- (c) the Defendants' reply in support thereof shall be filed no later than January 27, 2006;
- (d) the hearing on the motion shall be scheduled to take place on Friday, February 10, 2006, at 10:00 a.m.; and
- (e) the parties will each serve their respective papers such that all papers will be received no later than one business day after the filing dates set forth above.

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2 DATED: November 28, 2005.

GILBERT R. SEROTA  
SARAH A. GOOD  
CLARA J. SHIN  
HOWARD RICE NEMEROVSKI CANADY  
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6 By: \_\_\_\_\_

  
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8 Attorneys for Defendant  
TRIPATH TECHNOLOGY INC.

9 DATED: November 28, 2005.

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16 Attorneys for Defendants  
17 DR. ADYA S. TRIPATHI and DAVID EICHLER

18 DATED: November \_\_\_, 2005.

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25 Attorneys for Plaintiff  
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8 Attorneys for Defendant  
TRIPATH TECHNOLOGY INC.

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17 DR. ADYA S. TRIPATHI and DAVID EICHLER

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STIPULATION & [PROPOSED] ORDER RE SCHEDULE

05 CV 04194 SC